

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF COMMERCE

In the Matter of the Insurance Rate Filings
of Encompass Insurance Company for
Glens Falls Insurance Company and
Kansas City Fire & Marine Insurance
Company

FIRST PREHEARING ORDER

The above matter is pending before Administrative Law Judge Barbara L. Neilson pursuant to an Order for Hearing dated May 7, 2002. Jennifer S. Kenney, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, Minnesota 55101-2130, is representing the Department of Commerce. Michael R. Docherty, Attorney at Law, Rider Bennett Egan & Arundel, 333 South Seventh Street, Suite 2000, Minneapolis, MN 55402, is representing the Respondent, Encompass Insurance Company for Glen Falls Insurance Company and Kansas City Fire & Marine Insurance Company. The Respondent's request for a continuance of the hearing was granted by Letter Order dated May 24, 2002. By letter dated June 11, 2002, counsel for the Respondent notified the Administrative Law Judge that the parties had discussed and agreed to a discovery schedule.

Based upon the agreement of the parties, IT IS HEREBY ORDERED as follows:

1. Written discovery requests, including but not limited to interrogatories and document requests, shall be personally served not later than June 28, 2002. Responses shall be due within twenty days of the date of service, and no later than July 18, 2002.
2. Each party shall identify all testifying expert witnesses no later than July 10, 2002. Formal expert reports need not be exchanged. Each party shall, however, at the time of identifying its experts, provide to opposing counsel the curriculum vitae (or similar description of educational and professional background and qualifications) of each testifying expert and a brief description of the subject matter of the expert's testimony.
3. The parties shall be entitled to take the deposition of any testifying expert identified by the other party. Such depositions shall be concluded on or before July 18, 2002. The parties shall undertake all necessary efforts in good faith to ensure their experts are available for depositions between July 10, 2002, and July 18, 2002.

4. All fact witness depositions shall be concluded on or before August 1, 2002.
5. Final witness and exhibit lists shall be exchanged on or before August 1, 2002. The witness lists shall include a brief statement of the subject matter of each witness' testimony.
6. The above deadlines may be modified or extended by agreement of the parties, without the necessity of court intervention, unless the modification or extension would necessitate a change in the hearing date.
7. In the event any dispute arises as to any discovery issue, including but not limited to the adequacy of discovery responses, the scheduling of depositions, or objections made at a deposition, the parties shall meet and confer (in person or by telephone) in an effort to resolve the dispute before bringing it to the Administrative Law Judge for resolution. In the event the parties are unable to resolve the dispute, the party bringing a motion related to any discovery issue shall certify to the Administrative Law Judge that the parties have in fact met and conferred in an effort to result the dispute.
8. Counsel shall notify the Administrative Law Judge by August 1, 2002, whether they will require the services of a court reporter at the hearing. (One or both parties must bear the costs of a court reporter; otherwise, the hearing will be tape-recorded.)
9. The hearing this matter shall commence on Thursday, August 8, 2002, at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota. The hearing shall continue on Friday, August 9, 2002, if necessary.
10. The parties shall appear at the hearing with at least three copies of each exhibit they plan to offer into evidence. Exhibits shall be premarked using arabic numbers without designation of the party offering the exhibit.

Dated: June 24, 2002.

/s/ Barbara L. Neilson
BARBARA L. NEILSON
Administrative Law Judge